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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,884	04/01/2005	Jung-Hee Ryu	GK-US055059	5686
7590 11/24/2009 Shinju Global IP Counselors Suite 700 1233 Twentieth Street NW Washington, DC 20036				
EXAMINER				
MISLEH, JUSTIN P				
ART UNIT		PAPER NUMBER		
2622				
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11/24/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/529,884

**Applicant(s)**

RYU ET AL.

**Examiner**

JUSTIN P. MISLEH

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11 - 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11 - 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Spec. / Draw. Approval

## **DETAILED ACTION**

### ***Response to Amendment***

1. The reply filed on September 10, 2009 is fully responsive to the prior Office Action. The Examiner's concerns regarding the Information Disclosure Statement have been resolved. The substitute specification requested by the Examiner has been received and accepted. The replacement drawings sheets have been approved and accepted by the Examiner.

### ***Response to Arguments***

2. Claims 1 – 10 have been cancelled and new Claims 11 – 13 have been added. Upon review, the Examiner believes these claims correspond to the elected Species I (figures 2 and 5). Applicant's arguments with respect to Claim 11 have been considered but are not persuasive.

3. Applicant argues, "[Claim 11] recites the preview image is in a buffer region of the capture device, and that when pausing the display of the preview image, the preview image remains in the buffer region. Further, claim 11 also recites that the preview image remaining in the buffer region is captured and copied to a storage, which is different from the buffer region. In contrast, Applicants respectfully assert that Tamayama fail to disclose or to suggest the use of a buffer region, and relies on the use of the image memory 22 to display an image on the LCD 30. Thus, Applicants respectfully assert that Tamayama fails to disclose or to suggest this feature."

4. The Examiner respectfully disagrees with Applicant's position primarily on the basis that Tamayama's image memory 22 may serve as the claimed buffer region of the capture device, as claimed. Otherwise, Applicant's arguments moot in view of the new grounds of rejection.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 11, 12 and 13** are rejected under 35 U.S.C. 102(b) as being anticipated by Tamayama (US 6,618,089 B1).

7. For **Claim 11**, Tamayama disclose, as shown in figures 1 – 3, a method for capturing a still image in a real time system, comprising:

displaying a preview image on a display unit (30) of an image capture device (see figure 1), the preview image being in a buffer region (image memory 22) of the capture device (see column 5, lines 45 – 47; column 6, lines 6 – 11 and 35 – 65);

pausing displaying the preview image being displayed on the display unit (30) of the image capture device (see figure 1), the preview image remaining in the buffer region (image memory 22) of the capture device (“suspends” drive pulses “during no video signal is applied” and “while no image data for the display ... is read from the image memory 22 ... the image memory 22 is accessed freely”; see column 7, lines 34 – 45 and 53 – 59);

capturing the preview image by copying the preview image remaining in the buffer region (image memory 22) of the capture device to a storage (“memory card”) of the image capture device, the storage being different from the buffer region (The image is copied from image memory 22, while remaining in the image memory 22, to memory card; see column 7, lines 52 - 67);

re-executing a preview by displaying the preview image on the display unit (Using the capacitor element of the LCD, the LCD is preview is resumed; that same image data, which is also stored in the image memory is processed by “recording the image data stored in the image memory 22 into the memory card”; see column 7, lines 53 – 67);

processing the preview image in an image processing unit after re-executing the preview and while the preview image is displayed on the display unit (again see column 7, lines 53 – 67);

determining whether to continue capturing and processing (see column 7, lines 66 –and 67; therefore, the next good opportunity to take an image will not be missed).

8. As for **Claim 12**, Tamayama disclose wherein the external image is stored in the storage (“memory card”), the storage is connected to the image processing unit (see column 7, lines 53 - 59), and the image has the same resolution as that of the preview image (The image stored in the image memory 22 is both supplied to the display unit 30 and the memory card.).

9. As for **Claim 13**, Tamayama discloses, as shown in figures 1 - 3, wherein the image capture device has a camera IC (18) and has a mode wherein the camera IC (18) directly controls the display unit (30), and the external image stored in the storage device (memory card) has the same resolution as that of the preview image (The image stored in the image memory 22 is both supplied to the display unit 30 and the memory card.).

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David Ometz can be reached on 571.272.7593. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/Justin P. Misleh/  
Primary Examiner  
Group Art Unit 2622  
November 24, 2009**